
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
State of Michigan)	File No.: EB-FIELDNER-13-00009351
Department of Transportation)	
Owner of Antenna Structure No. 1265270)	NOV No.: V201332360031
)	
Warren, Michigan)	

NOTICE OF VIOLATION

Released: June 24, 2013

By the District Director, Detroit Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to the State of Michigan, Department of Transportation, registrant of antenna structure number 1265270 in Warren, Michigan. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On June 11, 2013, an agent of the Enforcement Bureau's Detroit Office inspected antenna structure number 1265270 located at I-696 and M-97 (Groesbeck Highway), Warren, Michigan, and observed the following violation:

47 C.F.R. § 17.23: "Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after January 1, 1996, must conform to the FAA's painting and lighting recommendations set forth on the structure's FAA determination of "no hazard"...." The registration for antenna structure number 1265270 indicates that the tower requires lighting in accordance with FAA Circular Number 70/7460-1K, FAA Chapters 4, 6 and 12. Chapter 6 requires a medium intensity flashing white obstruction light system. During the inspection, the agent observed that the structure was installed with a dual lighting system (white intensity during the day with a red flashing top beacon but no steady burning red side lights). In order to come into compliance with the Commission's rules, State of Michigan must: (1) obtain a new FAA "no hazard" determination indicating that the current lighting system is permitted and then submit a modified antenna structure registration to reflect the new "no hazard" determination or

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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(2) submit a modified registration if a new FAA “no hazard” determination already has been obtained

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, the State of Michigan must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct the State of Michigan to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized official of the State of Michigan with personal knowledge of the representations provided in the State of Michigan’s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the State of Michigan’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Detroit Office
24897 Hathaway Street
Farmington Hills, Michigan 48335

6. This Notice shall be sent to the State of Michigan, Department of Transportation, at its address of record.

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

James A. Bridgewater
District Director
Detroit District Office
Northeast Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).